



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: WAC 220-20-010, General Provisions – Lawful and unlawful acts – Salmon, other fish and shellfish; WAC 220-33-060, Columbia River – commercial fisheries below Bonneville Dam; WAC 220-36-03001, Grays Harbor – Seasons and lawful gear – Varieties other than salmon and sturgeon; WAC 220-40-030, Willapa Bay– Seasons and lawful gear – Varieties other than salmon and sturgeon; WAC 220-44-020, Coastal Baitfish gear; and WAC 220-69-240, Duties of commercial purchasers and receivers.

Statutes authorizing the agency to adopt rules on this subject: RCW 77.12.047.

Reasons why rules on this subject may be needed and what they might accomplish: State laws and rules can be more restrictive than their federal counterparts, but not less restrictive. WAC 220-33-060, WAC 220-40-030, WAC 220-36-03001, and WAC 220-44-020 are less restrictive than the federal regulation, 50 CFR 660 Subpart I, limiting the incidental catch of sardines in other fisheries. The Department wants to amend these aforementioned WACs to mirror 50 CFR 660 Subpart I. In addition, the Department wants to amend WAC 220-33-060, WAC 220-40-030, WAC 220-36-03001, and WAC 220-44-020 to establish baitfish trips limits to ensure conservation of the resource and sustainability of baitfish fisheries. The Department wants to amend WAC 220-20-010 to prohibit the use of anchovies for purposes other than human consumption or fishing bait, except as provided for in other rules. Lastly, the Department wants to amend WAC 220-69-240 to require commercial purchasers to indicate on fish receiving tickets the quantity in pounds of anchovies purchased for purposes other than human consumption.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☒ Agency study
- ☐ Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
August 28, 2009

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

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